

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

BERTHA BIGGS,

Plaintiff,

v.

CAJUN OPERATING COMPANY, d/b/a
Church's Chicken,

Defendant.

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No. 3:10-cv-1847-M

ORDER

Before the Court is the Motion to Dismiss filed by Cajun Operating Company on August 31, 2012 [Docket Entry #41]. For the reasons discussed below, the Motion is **GRANTED**.

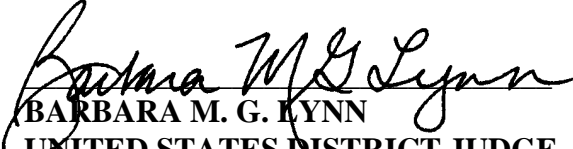
On May 19, 2010, Plaintiff Bertha Biggs ("Biggs") filed a state court petition against Cajun Operating Company, d/b/a Church's Chicken ("Church's") seeking to recover on a claim of alleged food poisoning. Church's removed the case to this Court on September 15, 2010.

On November 2, 2011, Biggs's counsel notified the Court that Biggs had died on September 19, 2011. On Biggs's motion, the Court granted an emergency continuance and set a deadline of June 1, 2012 for Biggs to be substituted by a duly authorized representative of her estate. On June 6, 2012, the Court granted Biggs's Motion to Extend the Deadline to Substitute Parties to August 30, 2012, stating that no further extensions would be granted. August 30, 2012 passed without substitution of parties, and Church's now moves to dismiss the case.

Almost one year after Biggs's death, and after two Court-imposed deadlines have passed, no duly authorized representative of Biggs's estate has appeared. Accordingly, Church's Motion is **GRANTED**, and the case is dismissed without prejudice, for want of prosecution.

SO ORDERED.

September 12, 2012.


BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS